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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAO CHO SAEPHANH,

Defendant.

NO. CR98-352-TSZ

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

14 An initial hearing on a petition for violation of supervised release was held before the
15 undersigned Magistrate Judge on February 7, 2012. The United States was represented by
16 Assistant United States Attorney Matthew Diggs, and the defendant by Kevin Peck.

17 The defendant had been charged with Conspiracy to Distribute Crack Cocaine in
18 violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846, and Conspiracy to Possess and Sell
19 Stolen Firearms, in violation of 18 U.S.C. § 371. On or about April 16, 1999, defendant was
20 sentenced by the Honorable Thomas S. Zilly to a term of 12 years imprisonment, to be
21 followed by 5 years of supervised release. On April 9, 2008, the term of imprisonment was
22 reduced to 129 months and 5 years of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance abuse and
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1 mental health programs, financial disclosure, submit to search, no firearms, and no association
2 with known gang members.

3 In a Petition for Warrant or Summons dated January 12, 2012, U.S. Probation Officer
4 Martin J. Williams asserted the following violations by defendant of the conditions of his
5 supervised release:

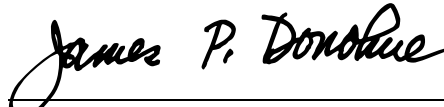
- 6 (1) Failing to work regularly at a lawful occupation since March 3, 2010 in
7 violation of standard condition number five.
- 8 (2) Using marijuana on or before November 15, 2011, in violation of the special
9 condition that he abstain from the use of controlled substances.
- 10 (3) Using marijuana on or before December 16, 2011, in violation of the special
11 condition that he abstain from the use of controlled substances.
- 12 (4) Using marijuana on or before December 25, 2011, in violation of the sp ecial
13 condition that he abstain from the use of controlled substances.

14 The defendant was advised of his rights, acknowledged those rights, and admitted to
15 alleged violations 1, 2, 3 and 4.

16 I therefore recommend that the Court find the defendant to have violated the terms and
17 conditions of his supervised release as to violations 1, 2, 3 and 4 and that the Court conduct a
18 hearing limited to disposition. A disposition hearing on these violations has been set before the
19 Honorable Thomas S. Zilly on March 1, 2012 at 1:30 p.m.

20 Pending a final determination by the Court, the defendant has been released, subject to
21 all the terms of his supervised release.

22 DATED this 7th day of February, 2012.

23 
24 JAMES P. DONOHUE
25 United States Magistrate Judge
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1 cc: District Judge: Honorable Thomas S. Zilly
2 AUSA: Matthew Diggs
3 Defendant's attorney: Kevin Peck
4 Probation officer: Martin J. Williams
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